

AFFIDAVIT
John Sebastian Vento

1. My name is John Sebastian Vento. I am a shareholder at the Tampa law firm of Trenam Kemker and have been practicing law since 1974. I am also a Colonel in the United States Air Force Reserve. I am competent to make this Affidavit and do so based on personal knowledge of the following facts.

2. I have known Judge Gregory P. Holder for approximately 14 years. I have known him as a prominent member of the Tampa judiciary and as an active member of the legal community. We became acquainted in 1988, while assigned to the U.S. Special Operations Command as Judge Advocates. Based on my experience Judge Holder is honest, ethical, and honorable. My law partners and I know him as one who would never do anything to compromise his integrity. He lives up to his West Point training and prides himself as a member of the JAG Corps.

3. I took the Air War College course ("AWC") in 1995, prior to Judge Holder. In April 1995 I wrote an in depth analysis entitled "Evaluation of the *Linebacker II* Air Campaign During the Vietnam War – Isolated Success or Strategic Failure?" This paper was returned to me because it was more involved than the instructor thought was appropriate for the assignment. In fact, the instructor told me "You didn't answer the mail – we don't want anything this complex – just tell us how many bombs were dropped on what day, how the tactics changed – you know, approach it like a pilot" or words to that effect. Accordingly, I modified the paper to make it significantly simpler, submitted it in May 1995, and received a satisfactory grade.

4. Prior to writing my AWC paper, I obtained a copy of at least one other AWC papers from an other officer who had taken AWC, so that I could see what type of paper the course required and what a completed AWC paper should look like. The AWC requirements for the form of the paper are complicated and are very different from those utilized in preparing briefs and other legal documents.

5. Both my legal secretary and I reviewed the instructions provided by the AWC, including those concerning the required form for the paper. Even after carefully reviewing these instructions, my legal secretary was still confused about the required form and, consequently, she told me "You had better show me a copy of someone else's paper so I can see what it is supposed to look like," or words to that effect. Even though I did so, and my secretary and I tried to comply with AWC requirements, when I received my first paper back from the AWC the instructor had noted form errors on the paper. There were even noted form errors on my final satisfactory grade paper - that's how particular they are about form and how different it is to what we are used to as lawyers.

6. Based on my experience with my AWC paper, when Judge Holder took the AWC course, I advised him that the research paper should be "written like a pilot would write it

not a lawyer" or words to that effect, and that what they wanted was not an in depth analysis or evaluation but to follow the analysis model and give the number of bombs dropped, changes in tactics, etc. I cautioned him not to make the same mistake that I did by writing a paper that was too complex – to make it simple. I told him to get a few books from the SOCOM library, read them, and spend no more than 8-10 hours on writing the paper and to pay particular attention to the form - to follow it strictly.

7. After Judge Holder wrote his AWC paper, he sent a copy of it to me. Judge Holder is well aware that Colonel David Hoard and I are good friends and, therefore, it was very possible that I would have had a copy of Col. Hoard's paper as well. Based on my 14 years of experience with Judge Holder, including in the Air Force and in the civilian legal community in Tampa, I do not believe that he would plagiarize someone else's AWC paper. Moreover, I do not believe that anyone who plagiarized a paper written by Col. Hoard would send a copy of that paper to me, in light of my relationship with Col. Hoard.

8. I read Judge Holder's paper shortly after receiving it from him. I recall thinking that it was not as good as I would have expected from Judge Holder, having seen the products of his legal work at USOCOM; but I believe that was because I had told him about my experience, as summarized in paragraph 3, above, and advised Judge Holder to write and submit an uncomplicated paper, as summarized in paragraph 6 above.

9. I have reviewed the paper that is alleged to be Judge Holder's and do not believe that the paper that I received from Judge Holder and read in 1998 was as sloppy and poorly written as the alleged Holder paper. I believe that if it was I would have called and warned him that his paper would probably be returned. Due to the passage of time, I cannot recall the content of Judge Holder's original paper. However, I can say that if Judge Holder's paper had been as bad as the alleged Holder paper that I have recently read, I would certainly have discussed this with him and did not, in fact, do so. Consequently, based on my knowledge of Judge Holder and my recollection that his AWC paper was not as bad as the alleged Holder paper, I do not believe that Judge Holder plagiarized this paper.

[

10. As I have informed the Special Counsel to the Florida Judicial Qualifications Commission, all AWC candidates are sternly warned against plagiarism. The AWC Program Guide directive states: "Violation of academic integrity is grounds for immediate and permanent disenrollment from the AWC. Further disciplinary or punitive actions will be at the discretion of the student's commander." I have also informed the Special Counsel that, in addition to the adverse consequences referenced above, anyone would be foolish to engage in plagiarism because a satisfactory AWC paper would only take a dozen or so hours to complete, including reading on the subject; not to mention copying a paper that was submitted just one year before with the chance that you might draw the same grader.

11. Additionally, I note that the paper alleged to be Judge Holder's does not contain an AWC stamp as do both of the papers that I submitted do, and later received back from, the AWC. Every AWC paper that I have seen contains such a stamp. Moreover, the purported Holder paper does not have the AWC Associate Programs Student Research Evaluation cover sheet (AU Form 516), which

would accompany a genuine AWC paper. Based on these two significant divergences from well established AWC operational procedure, alone, I do not believe that the paper alleged to be Judge Holder's is genuine and authentic. Based on the foregoing, any reasonable person familiar with the AWC would have reason to doubt the authenticity of the purported Holder paper.

____/s/_____
John Sebastian Vento

The foregoing Affidavit was sworn to and subscribed to before me this 5th day of August 2003

____/s/_____
Notary Public
State of Florida
My Commission expires_____
Personally known ____or produced the following identification_____

Carmen F. Glye
My Commission DD045570
Expires July 29, 2005